

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT)
FINANCE AGENCY)
Plaintiff,)

v.)

ADP MARSHALL, INC., a FLUOR)
DANIEL COMPANY, and FIREMAN'S)
FUND INSURANCE COMPANY)
Defendants.)

ADP MARSHALL, INC.)
Plaintiff-in-Counterclaim,)

v.)

MASSACHUSETTS DEVELOPMENT)
FINANCE AGENCY)
Defendant-in-Counterclaim.)

ADP MARSHALL, INC.)
Third Party Plaintiff,)

v.)

ALLIED CONSULTING ENGINEERING)
SERVICES, INC., ANDOVER CONTROLS)
CORPORATION, R&R WINDOW)
CONTRACTORS, INC., and DELTA)
KEYSPAN, INC. n/k/a DELTA)
KEYSPAN, LLC)
Third Party Defendants.)

C.A. No. 04 CV 10203 PBS

FILED
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2004-5-6 PM 12:35
DISTRICT COURT
DISTRICT OF MASS.

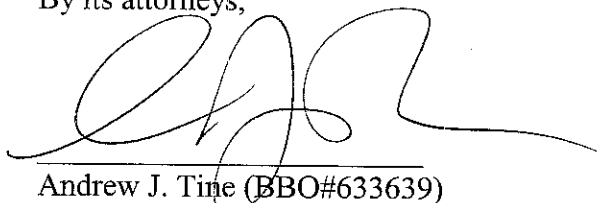
**DEFENDANT ADP MARSHALL, INC.'S MOTION FOR LEAVE TO FILE FIRST
AMENDED THIRD PARTY COMPLAINT**

ADP Marshall, Inc. ("ADPM") respectfully submits this motion pursuant to F.R.C.P. 14 for leave to file its First Amended Third Party Complaint. The purpose of the amendment is to add the following third party defendants: Maddison Associates, Inc., a subcontractor to ADPM; Hartford Roofing Company, a subcontractor to ADPM, United States Fidelity and Guaranty Company, Hartford Roofing Company's surety; Fidelity and Deposit Company of Maryland, R&R Window Contractors' surety; National Grange Mutual, Maddison Associates' surety; Travelers Casualty and Surety Company, Delta Keyspan's surety; American Home Assurance Company, Andover Controls' surety, and Spagnolo/Gisness & Associates, Inc., a sub-consultant to ADPM. Attached hereto as Exhibit A is an executed copy of the proposed First Amended Third Party Complaint.

WHEREFORE, ADP Marshall, Inc. requests that its First Amended Third Party Complaint be deemed filed as of the date of the filing of this motion and that leave to serve the First Amended Third Party Complaint be granted.

Respectfully submitted,

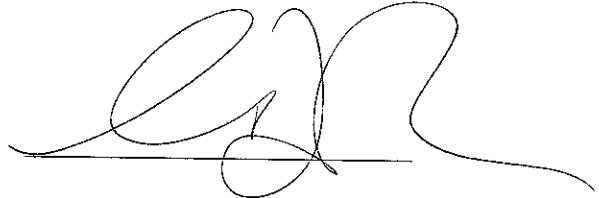
DEFENDANT,
ADP Marshall, Inc.,
By its attorneys,

A handwritten signature in black ink, appearing to be "AJT", written over a horizontal line.

Andrew J. Tine (BBO#633639)
Richard Fox (BBO#651173)
Haese, LLC
70 Franklin Street, 9th Floor
Boston, MA 02110
(617) 428-0266 - Telephone
(617) 428-0276 - Fax

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing motion via United States Mail postage prepaid this 5 day of May, 2004 to all counsel of record.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a cursive 'J' and 'Tine'. The signature is written over a horizontal line.

Andrew J. Tine, Esq.